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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jane MacCutcheon  
Serial No. 09/921,540  
Filed: 03 August 2001  
For: MUSIC LEARNING AND PLAYING SYSTEM AND METHOD

Examiner: Lockett, Kim  
Art Unit: 2837

FAX RECEIVED

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

JUN 17 2003

TECHNOLOGY CENTER 2800

Sir:

**RESPONSE TO THE OFFICE ACTION MAILED 17 JANUARY 2003**

In response to the office action mailed 17 January 2003, Applicant offers the following amendments and remarks. Applicant encloses a credit card form in the amount of \$205.00 for a two month extension of time and asks that this be considered a petition therefore. Additionally, Applicant has added an independent claim and a credit card form in the amount of \$42.00 is presented to cover this. The total number of claims is 55, and Applicant has previously paid for 74. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

07/03/2003 TDAWKINS 00000001 09921540

01 FC:2201 42.00 OP

07/03/2003 TDAWKINS 00000002 09921540

01 FC:2252 205.00 OP

**In the specification:**

Please replace the paragraph beginning on page <sup>7</sup>9, line 4 with the following rewritten paragraph:

4. **Note Symbol:** A conventional note symbol on a staff, ex: f, or other note symbol representing a note, ~~such as~~ including lyric syllables, letters, and dots, ~~etc.~~ that are used on alternative compositional structures.

Please replace the paragraph beginning on page <sup>6</sup>10, line <sup>18</sup>3, with the following rewritten paragraph:

10. **Pitch marking:** Describes the entire system of octave group pitch marking of the system, including reference to the "middle C" octave group, which is marked with ~~sans~~ no pitch marks.

Please replace the paragraph beginning on page 10, line 12, with the following rewritten paragraph:

The system is a more efficient system, especially in its preferred embodiment, than those previous to it of similar genre in that in the preferred embodiment it uses fewer elements, only the seven named colors, plus octave group pitch marking, as the basic foundation of the system. And while the system is easy to learn, its very simplicity facilitates a sophisticated flexibility in its application.

Please replace the paragraph beginning on page 11, line 7 with the following rewritten paragraph:

In the preferred embodiment, the pitch marks are assigned to the octave groups such that the notes of the base octave group of the pitch marking system, which is the "middle C" octave

group, each has ~~sans~~ no pitch marking, while each of the other octave groups' notes has pitch marking that increases in number as their octave group radiates out farther from the base octave group in pitch. Thus, the notes of the first octave groups below and above "middle C" each has one pitch mark, the notes of the second octave groups below and above "middle C" each has two pitch marks, et cetera.

Please replace the paragraph beginning at page 11, line 19 with the following rewritten paragraph:

Still another feature of the preferred embodiment showing the use of the color coding is the coloring of the sharps and flats of key signatures to aid in the recognition of those notes sharpened and flattened in key signatures, and in the recognition of each of the key signatures by its color pattern in conjunction with the staff coloring for the composition key signature.

Please replace the paragraph beginning at page 12, line 13 with the following rewritten paragraph:

Fig 2 shows the basic set of note location identifiers for natural notes in the preferred embodiment for keyboard using the "middle C" octave group identifiers. ~~The figure also shows how the pitch marking system works using the "C" note natural note location identifiers for all the octave groups of the piano keyboard, except for the lowest which has only an "A" natural note.~~

Please replace the paragraph beginning at page 13, line 11 with the following rewritten paragraph:

Fig 11 shows an example of a note location identifier in the form of a chord grid for six-string guitar in the common "G" tuning.

Please replace the paragraph beginning at page 16, line 18, and continuing onto the next page with the following rewritten paragraph:

Another feature of the preferred embodiment of the system incorporates stylized images as an added mnemonic device to enhance the recognition and remembering of the note tones represented by note symbols on musical compositions and note location and formation identifiers of instruments. The images are named such that the first letter of each of their names is a letter of the musical alphabet, just as the coding colors described already. In general, these images may be of fauna, flora, or object source, and any of these sources may be used for images of the system. In the preferred embodiment represented here, the stylized images are of animal variety. The names of these and the colors of the system, as well as the note to which ~~that~~ they are both related to, ~~be~~ are illustrated in Table 1 below.

Please replace the paragraph beginning at page 20, line 1 with the following rewritten paragraph:

Fig 1 shows an example of the note location identifiers (32) paired with an example of a standard musical grand staff (31) which has its structural components colored in the compositional key color which is the color assigned to the note of the same name. In this case, the compositional key is "C," and since the color designated to "C" in the system is "carrot," the components are colored "carrot." These components include the treble clef (40), bass clef (41), staff lines (43), and bracket (46), ~~and time signatures (47).~~

Please replace the paragraph beginning at page 26, line 9 with the following rewritten paragraph:

Fig 6 shows an example of note location identifiers of the system for guitar (105) applied to the fingerboard (107) of a six-string (110) guitar. Again, rectangles (106), as those described for the violin, are used for the shape of the note location identifiers, but for the guitar example they are applied at the frets (111). The frets are the places where the finger is pressed on a string to determine the string length so that a note tone may be sounded by the plucking or strumming of a string. Shown on the example of a guitar tuned in common key of "G" tuning are note location identifiers for notes beginning with the lowest "E" note on the guitar, which is the "E" note in the second "C" octave group below the "middle C" octave group, and rising to the "E" note which is located in the "middle C" octave group. The note identifiers of the open strings (109) are located next to the nut (108) of the guitar, in the same general manner as on the violin.

Please replace the paragraph beginning at page 30, line 11 with the following rewritten paragraph:

In the first of the seven slide position identifiers shown in the example, the note represented is the "F" which is in the "C" octave group that is immediately above the "middle C" octave group. Therefore, its identifier has one pitch mark (39) to its right, just as its "flame"-colored note symbol (39 38) on the tenor clef (128) staff (129), which is colored the "carrot C" compositional key color as are the bass clef (41) and staff (130) also shown in Fig 9. The number "1" (131) that represents the base slide position of this "F" note (133), as well as the pitch mark (39) that represents its octave group location, are both colored "flame" to represent

the "F" note. The actual note sounded is an "Eb," therefore the disk (117) in the note sounded box, as well as its pitch mark (39) are both colored "electric."

Please replace the paragraph beginning at page 34, line 3 with the following rewritten paragraph:

The individual note representations of the example chord grid are note location identifiers (146) that have been designed in the same manner as those for the violin and guitar described previously. They are each located in the space adjacent to the fret grid lines. ~~And, and~~ are represented in the form of rectangles that have been color, and pitch mark coded using the system coding. Thus, for example, the "G" note location identifier on the line of the grid that represents the sixth string (149a), is a "green" rectangle with a "G" note letter (33), and because it is in the second "C" octave group below the "middle C" octave group, it has two pitch marks (39) to the left of its "G" note letter. This design is followed for the other note identifiers of the chord grid. The identifiers for the grid lines representing strings played open (145) are located to the left of the grid and adjacent to the lines that represent those strings.

Please replace the paragraph beginning at page 35, line 4 with the following rewritten paragraph:

The banjo nut (151), string (157), and bar (158) representations, as well as the time signature (93) of the Fig 12 example, are all colored "carrot" to indicate the compositional key of the piece to be played. Each of the note letters which identify the names of the open string notes, (152), is colored its designated note letter color of the system, and each of these note letters is also pitch marked to identify the "C" octave group in which the open string note it names is

located. Thus, for example, the fifth string representation is marked with a "green" "G" note letter name, and has no pitch mark since the note represented is in the "middle C" octave group which is represented as "~~sans~~ having no pitch mark."

Please replace the paragraph beginning on page 35, line 13 and continuing on to the next page with the following rewritten paragraph:

The fret numbers (154) shown in the example of Fig 12 are treated as note location identifiers (153) under the system. They begin with the number "0" which represents a string that is to be played open, or unfretted; and continue with the number "1," which represents the first fret of an instrument; then the number "2" which represents the second fret, and so forth. Each number is colored the color of the note it represents, and is pitch marked to represent the "C" octave group in which ~~it~~ the note is located. Thus, for example, the first note location identifier of the tablature figure illustration is the "carrot" - colored "1" (159). This means that the note represented is a "C" note that is formed at the first fret of the banjo fingerboard. and since it has no pitch mark; it is located in the "middle C" octave group. To determine the time duration of the note represented, a time duration mark (155) is placed directly below the number of the note location identifier.

Please replace the paragraph beginning at page 38, line 20 and continuing on to the next page with the following rewritten paragraph:

The musical compositions supplied for the system provide other information regarding a piece of music. These include; clef symbols; key, and time signatures; dynamics symbols; note symbols types, and their duration indicators; rest symbols; et cetera, in both conventional and

unconventional manifestations. One learns these basic structures to enable the reading and playing of the composition. In addition, one learns that certain elements of the musical composition are colored in the colors of the system to provide even more information so as to facilitate the playing of the composition. Examples of this coding include; the coloring of the staff in order to indicate the key of the piece, the coloring of the sharp and flat symbols of the key signature to enable the recognition and learning of the notes that are sharped or flatted in a particular key signature; and the coloring of a chord grid, or tablature, to identify the chord or notes represented by either of these two identifiers when one is used.